

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**STEVEN R. GRIMES and TIFFANY
GRIMES,**

Plaintiffs,

v.

**NATIONWIDE PROPERTY &
CASUALTY INSURANCE COMPANY
and WILLIAM STANLEY LAWRENCE,**

Defendants.

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CIVIL ACTION NO. 4:10-cv-4625

ORDER


Pending before the Court is Defendant Nationwide Property & Casualty Insurance Company's ("Nationwide") Partial Motion to Dismiss. (Doc. No. 2.) Nationwide seeks dismissal of Plaintiff's extracontractual claims, including claims that Nationwide violated the Texas Insurance Code, breached its duty of good faith and fair dealing, and engaged in common law fraud.

Plaintiffs Steven R. Grimes and Tiffany Grimes filed this lawsuit in state court. Nationwide timely removed the case. In their Responses to Nationwide's Motion to Dismiss, Plaintiffs seek, in the alternative, the opportunity to amend their complaint. (Doc. No. 15 ¶ 40.) The Court finds it appropriate to grant Plaintiffs leave to file an amended complaint that complies with the requirements of the Federal Rules of Civil Procedure and governing federal case law. *See OPA Hospitality, Inc., v. Allied Property & Casualty Ins. Co.*, Case No. 10-cv-2817, Doc. No. 10, Order (S.D. Tex. Sept. 8, 2010) (Atlas, J.).

Accordingly, Plaintiffs shall file an amended complaint no later than June 9, 2011. Nationwide's Motions to Dismiss is **DENIED** without prejudice to renewal after Plaintiffs have filed an amended complaint.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 9th day of May, 2011.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE